

1 The Honorable Tana Lin
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7 UNITED STATES DISTRICT COURT FOR THE
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 vs.

13 KYLE CHRISTOPHER BENTON,

14 Defendant.

15 CASE NO. 2:24-cr-00162-TL

16 DEFENDANT'S SENTENCING
17 MEMORANDUM

18 **SENTENCING RECOMMENDATION**

19 COMES NOW, Kyle Christopher Benton, by and through his attorney Dawn Farina, and
20 moves this court to sentence Mr. Benton to credit for time served because his ACE score of 10,
21 mental illness, and substance use disorder support a variance in this case.

22 Further, Mr. Benton has made tremendous progress in growing as a kind and accepting
23 human being, despite the odds against him.

1 In addition, Mr. Benton's young family, including his 4 year old autistic son and 2 year
 2 old daughter rely upon Mr. Benton's VA disability benefits to pay the bills, which will be
 3 suspended should he remain incarcerated after he is sentenced.

4 **II. PERTINENT FACTS OF THE CASE**

5 Kyle Christopher Benton was born on April 11, 1996, and is twenty-nine (29) years old.
 6 Mr. Benton has no prior criminal history. He is the father of two young children, William, age
 7 four, and Scout, age two. Prior to being incarcerated in this matter, Mr. Benton was active in his
 8 children's lives, gainfully employed at Orkin Pest Control, and was the primary bread winner for
 9 his family. He was also receiving disability payments from the VA as a result of his military
 10 service and post-traumatic stress disorder diagnosis.
 11

12 Mr. Benton had a traumatic childhood. His father was engaged in criminal activity, he
 13 was a racist, had a substance use disorder, and was verbally and physically abusive to Mr.
 14 Benton, Mr. Benton's mother, and his siblings. When Mr. Benton was approximately six years
 15 old, his father was sent to prison, although Mr. Benton was told by his mother that his father had
 16 died.
 17

18 After Mr. Benton's father was incarcerated, Mr. Benton's mother subsequently married
 19 and divorced several men, and had numerous boyfriends. Some of these men subjected Mr.
 20 Benton to the same physical and verbal abuse as his biological father had. Mr. Benton recalls one
 21 of his stepfathers beating him with a two by four.
 22

23 At the age of twelve years old, Mr. Benton learned that his father was not dead when his
 24 mother sent Mr. Benton to live with his father. Mr. Benton would remain in his father's care for
 25 the next three years, subjected once again to verbal and physical abuse.
 26

1 No child should have to endure what Mr. Benton did while living with his abusive father.

2 Mr. Benton's father burned his son with cigarettes in front of his biker gang. Mr. Benton's father
 3 allowed strange women to molest his young son by placing their hands down Mr. Benton's
 4 pants. Mr. Benton's father forced 12 year old Kyle Benton to bartend during parties he held at
 5 his residence.

6 While living with his father, Mr. Benton lived in a neighborhood populated by Mexican
 7 and African American families. As the only white person in many situations, he was constantly
 8 bullied and assaulted.

9 When Mr. Benton was 15 years old, he convinced his mother to allow him and his
 10 younger brother to return to her residence, tired of being beaten by his father.

11 While in high school, Mr. Benton's close friend revealed to him during class his intent to
 12 shoot up the school. Mr. Benton reported this to law enforcement and his friend was arrested and
 13 eventually incarcerated. Mr. Benton's was referred to as a "snitch" by some of the other students
 14 and was forced to transfer to another school.

15 During his senior year in high school, Mr. Benton was kicked out of the family home
 16 because of a dispute with his stepfather. Mr. Benton was forced to sleep in bushes and couch surf
 17 at various friends' homes. Due to his living situation, Mr. Benton left school his senior year and
 18 obtained several jobs to support himself, including ditch digging, working at Fred Meyer, Papa
 19 Murphy's Pizza, and a lumber mill. Mr. Benton eventually obtained his GED.

20 Mr. Benton was very close to his grandfather, who served in World War II and died in
 21 2016. Wanting to follow in his grandfather's footsteps, Mr. Benton enlisted in the United States
 22 Army when he was 20 years old.

1 In 2018, Mr. Benton was deployed in support of Operation Enduring Freedom and
 2 Operation Freedom Sentinel on the Combined Joint Task Force Horn of Africa. During the
 3 deployment and while his small unit was on patrol, they were ambushed by local militia. Mr.
 4 Benton was captured, forced to the ground, searched, and prodded by militiamen. Mr. Benton
 5 believed he was going to be executed in the desert that day, but ultimately was released.
 6

7 Upon Mr. Benton's return from deployment, he was diagnosed with post-traumatic stress
 8 disorder, developed an addiction to alcohol, and was introduced to Nazi propaganda by other
 9 members of the military.

10 The traumatic incidents Mr. Benton was a part of overseas changed him in a negative
 11 way. As explained by Mr. Benton in a letter to this court, he stated in part, "The PTSD I was
 12 later diagnosed with from this and other incidents led me down a path of Far Right Extremist
 13 ideals which I disavow completely. I don't tell you this to ask for pity or sympathy, but to share
 14 some of the trauma that I endured that made me feel the need to have the type of illegal weapons
 15 I did. This doesn't mean I was right, or that my subsequent views were in reality, justifiable. I am
 16 disgusted in myself for those views...." (Exhibit 1)

17 Mr. Benton received an honorable discharge from the military in 2020.

18 Also in 2020, Mr. Benton met Bayleigh Hutchins, who would later become the mother of
 19 his two young children. Ms. Hutchins encouraged Mr. Benton to attend therapy, but Mr. Benton
 20 was not ready to face his demons at that time.

21 Finally, in 2023, Mr. Benton cut off contact with the hate groups he had been involved
 22 with; aware that if he did not make changes in his life, he would lose his family forever. It was in
 23 2023 that Mr. Benton sought therapy from Dr. Ronald Boyd through the Wounded Warrior
 24

1 Project. Dr. Boyd has been integral in the treatment of Mr. Benton, and has agreed to treat Mr.
 2 Benton upon his release from detention.

3 Mr. Benton has been diagnosed with depression, anxiety, and post-traumatic stress
 4 disorder due to his upbringing and military service. He is currently taking Prozac, in addition to
 5 medication for nightmares.

6 Prior to being arrested in this case, Mr. Benton worked full-time with Orkin Pest Control
 7 in order to provide financially for his family.

8 On September 6, 2024, Mr. Benton was arrested and detained in this matter.

9 On September 19, 2024, a Grand Jury returned a two-count indictment charging Mr.
 10 Benton with firearm offenses. Count 1: unlawful possession of a machinegun and Count 2:
 11 possession of an unregistered firearm.

12 On March 28, 2025, Mr. Benton entered a plea of guilty as charged, taking responsibility
 13 for his actions.

14 While incarcerated in this case, Mr. Benton has been a model inmate. He volunteers to
 15 clean his entire unit, without pay, twice a day, every day. He has successfully completed a course
 16 titled Faith Based Conflict Management (Exhibit 2), a course on the House of Healing
 17 (Exhibit 3) and has participated in the Veteran Resilience Support program. (Exhibit 4) To
 18 strengthen his mental healing, Mr. Benton has also participated in religious activity, and
 19 mediation classes.

20 The government has placed before this court an image of Mr. Benton pointing a short
 21 barrel rifle at his child. The firearm was clear of any ammunition. And while this pose was in
 22 poor taste, Mr. Benton never had any intent to harm his child. Mr. Benton would never hurt his
 23

1 children; they are the reason he is working so hard to better himself. Mr. Benton has repeatedly
 2 stated, "I am going to be there for my kids unlike my dad was for me." Mr. Benton loves his
 3 children more than anything else in this world.

4 Mr. Benton stated in a letter to this court in part, "[I]n 2020, and an 80% disability rating
 5 from the VA mostly for Combat PTSD, I got together with Bayleigh Hutchins who was
 6 compassionate, understanding, and was willing to help me. She and I now share two beautiful
 7 children. My daughter Scout Lynn, 2, and my son William Brooks, 4, who is special needs and
 8 has been diagnosed with Autism. With her love and the love of my children I found the strength
 9 to get help for my psychological issues, including therapy and medications. I have made efforts
 10 to turn away from my racist and hateful past by making strong relationships with people of color,
 11 LGBT and other groups of people that I previously had so much misguided hate and vitriol for. I
 12 was a big part of my autistic son's daily routine and I took steps attending classes with social
 13 workers to better understand how to meet his needs. I am lucky that his mother is such a loving
 14 and caring and strong woman to be able to hold things together in my absence. The support of
 15 my family has helped me start a fresh path away from the hateful views I once held so tightly,
 16 and one towards being a better person that my children deserve as a father. I have been working
 17 on this process in earnest since 2023. It has not been easy to get better, and I am not all the way
 18 to where I want to be but I am working still to this day even after I was arrested.

22 I have a family who is there to support me, and needs my support. Bayleigh and my
 23 children are depending on my VA Disability compensation payments that will stop coming after
 24 I am sentenced if I remain incarcerated...." (Exhibit 1)

1 Mr. Benton is not the same person as depicted in the government's complaint, as
 2 evidenced by the numerous character letters submitted in support of Mr. Benton.

3 Avery Tobler wrote in part, "I feel safe around Kyle as a non-binary Native American
 4 with a colorful family. My kids are native, my son expresses himself fluidly with gender, and
 5 their other parent is a transgender woman. Kyle has always been supportive and even curious to
 6 understand my family dynamics more. Kyle attended Snohomish Pride alongside his family, and
 7 even went to a pride family picnic with both our families. He has always been a safe person as
 8 long as I have known him as my friend. He has never swayed from his support.....

9
 10 He is a caring, loving dad and a kind, thoughtful friend. He is a hard worker who is good
 11 at his job and passionate about being thorough....

12
 13 I admire the trials he has overcome, from what he's shared... about spending much of his
 14 life indoctrinated into hatred that he no longer carries with him. He is full of light and love, often
 15 curious and self-motivated to fully understand the thinking of others to protect himself from
 16 being in the position to feel brain washed ever again...." (Exhibit 5)

17
 18 Bayleigh Hutchins wrote in part, "The year before Kyle's arrest, we were living together
 19 as coparents because Kyle had taken initiative to change. He changed so much in fact that my
 20 own therapist... admitted that he seemed to have truly turned his life around. He was seeing his
 21 own therapist who genuinely helped Kyle admit to his abuse and to move away from his
 22 extremist ideologies. His therapy was hard work but he stuck with it. Kyle became friends with
 23 people who his old ideologies wouldn't have allowed. He admitted to his mistakes and abuse....
 24 Kyle cut ties with many people who he considered "friends" after coming to realize how wrong

1 and negative his views were....Kyle has created a new and healthy community who support him
 2 through this growth....

3 Our two kids are [4] years old and 2 years old.... Kyle used to do bath time, the whole
 4 bedtime routine, go to the park, go for walks, and help with any child related appointments....
 5 They look at pictures of Kyle and ask where their dad is. They deserve to have the healthy parent
 6 they gained the year before the arrest.... They are hugely impacted by him being incarcerated....
 7

8 I am also impacted by Kyle being incarcerated. We lost our apartment. We had to stay in
 9 a one bedroom basement after the arrest and I struggled to find resources for me and the kids....
 10 Kyle deserves the opportunity to be a responsible coparent again. I deserve to have help.
 11

12 Kyle continues to call and write as often as possible. He talks about wanting to get right
 13 back into therapy and work. He wants to hug his kids and do bedtime. He talks about how he is
 14 working in prison and taking classes. He isn't letting his mistakes drag him back into extremism
 15 or causing harm. Kyle from 2 years ago would've have blamed everyone but himself for this.
 16 Kyle from today takes responsibility....(Exhibit 6)

17 Kristen Benton wrote in part, "I am writing this letter to offer my heartfelt plea for
 18 leniency and consideration in this case concerning my son, Kyle Benton.

20 I have been privileged to watch Kyle grow and mature over the years, witnessing his
 21 kindness, integrity, generosity, and sense of humor that has personally brought much light to my
 22 life. I have also witnessed his dedication to his partner Bayleigh and he being a loving and
 23 protective hands on dad to his two children, William and Scout. Ages 4 and 2....
 24

1 I personally noticed a shift in Kyle's ability to navigate his understanding of the world
 2 and his place. This happened shortly after his honorable discharge from the military. Kyle
 3 experienced inexplicable trauma and unresolved grief from a military deployment to Africa....

4 Kyle has been diligent in recognizing how that experience was effecting the decisions he
 5 was making in his life and sought out help through counseling and support through the Veteran's
 6 administration. It was the first step to healing and I am immensely proud of him for recognizing
 7 that he could not resolve this on his own....

9 Kyle has taken responsibility and is accountable for his lapse of good judgment. I believe
 10 that being incarcerated has brought forth a solid lesson learned that will permeate through his
 11 heart, mind and soul through his whole lifetime. I also believe that he will give deep thought on
 12 every decision he makes going forward....

14 Your honor, I respectfully ask that you take into consideration the whole person that Kyle
 15 Benton, is, beyond the current allegations. His history of integrity, dedication, and positive
 16 impact on his community and especially his children should be weighed alongside the current
 17 circumstances.

19 Therefore, I hope that you would also consider allowing Kyle to come home to Oregon,
 20 where he has a home and family. This will enable them to be surrounded by the love and support
 21 he needs to rebuild his life and continue to provide for his children... (Exhibit 7)

22 The above letters received on behalf of Mr. Benton only scratch the surface of the support
 23 that he has in our community. I am attaching the numerous other letters received. (Exhibit 8)

1
2 **III. SENTENCING RANGE**

3 The crime of unlawful possession of a machinegun, as charged in Count 1, in violation of
4 Title 18, United States Code, Section 922(o)(1), carries a maximum term of imprisonment of 15
5 years, a fine of up to \$250,000, a period of supervision following release from prison of up to
6 three years, and a mandatory special assessment of \$100.00. If a probationary sentence is
7 imposed, the probation period can be for up to five years.
8

9 The crime of possession of an unregistered firearm, as charged in Count 2, in violation of
10 Title 26, United States Code, Sections 5861(d) and 5845(a)(3), carries a maximum term of
11 imprisonment of up to 10 years, a fine of up to \$20,000, a period of supervision following release
12 from prison of up to three years, and a mandatory special assessment of \$100.00. If a
13 probationary sentence is imposed, the probation period can be for up to five years.
14

15 Based upon a total offense level of seventeen (17), and a criminal history category of I,
16 the guideline imprisonment range is 24 months to 30 months.
17

18 The government agrees to recommend a sentence of no more than the high end of the
19 guidelines range. The defendant, Kyle Benton is free to recommend any sentence permitted by
20 law as it pertains to an appropriate term on imprisonment.
21

22 As stated by United States Probation Officer Lisimba Jackson, "Mr. Benton's ACE score
23 of 10, mental illness, and substance use disorder may be reasons to consider a variance in this
24 case."
25
26
27

1 **IV. FACTORS TO CONSIDER**

2 **Should this consider a variance in this case and sentence Mr. Kyle Benton to credit**
 3 **for time served because of his ACE score of 10, his mental illness, and substance use**
 4 **disorder?**

5 Kyle Benton is 29 years old with no prior criminal history. He has been detained since
 6 September 6, 2024, and has served more than ten months in detention. Mr. Benton's ACE score
 7 of 10, the highest score available, explains why we are before this court today.

8 Mr. Benton's childhood was filled with traumatic events, involving abuse, neglect, and
 9 household dysfunction.

10 Mr. Benton served our country by enlisting in the United States military, was deployed,
 11 and was ambushed by local militia while on deployment. Mr. Benton was captured, forced to the
 12 ground, searched, and prodded by militiamen. Mr. Benton believed he was going to be executed
 13 in the dessert that day, but fortunately, he was eventually released. This incident caused immense
 14 stress for Mr. Benton, resulting in a diagnoses of post-traumatic stress disorder, substance abuse,
 15 and Mr. Benton being an easy target for indoctrination into a world of hate.

16 Thankfully, Mr. Benton met Bayleigh Hutchins, the mother of his children, who gave the
 17 father of her children an ultimatum. Mr. Benton chose his family, broke ties with those
 18 individuals who had led him astray, and finally got the therapy that he so desperately needed.
 19 Mr. Benton was working hard to turn his life around when he was arrested in this case, but
 20 understands that his actions were criminal, and takes full responsibility. He also acknowledges
 21 that "I have been working on this process in earnest since 2023. It has not been easy to get better,
 22 and I am not all the way to where I want to be but I am working still to this day even after I was
 23 arrested...." (Exhibit 1)

1 Mr. Benton's family is suffering due to his absence. Prior to being detained, Mr. Benton
 2 was the sole financial provider for his family, including his two young children, one of whom is
 3 autistic. And since he has been detained, it has fallen upon the children's mother Bayleigh
 4 Hutchins to take care of their children and put a roof over their head, which has been difficult.
 5 Further, Mr. Benton's family rely upon Mr. Benton's monthly VA disability payments, which
 6 will stop after his sentence if he remains incarcerated.
 7

8 **V. CONCLUSION**

9 Based on the above, it is respectfully requested that this Court sentence Mr. Kyle Benton
 10 to credit for time served. Mr. Benton has served more than ten months in-custody. Mr. Benton's
 11 ACE score of 10, his mental illness, and substance use disorder support a variance in this case.
 12

13 Further, Mr. Benton has made tremendous progress in growing as a kind and accepting
 14 human being, despite the odds against him.

15 In addition, Mr. Benton's young family, including his 4 year old autistic son and 2 year
 16 old daughter rely upon Mr. Benton's VA disability benefits to pay the bills, which will be
 17 suspended should he remain incarcerated after he is sentenced.

18 DATED: July 9, 2025.

19
20 Respectfully submitted by,

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22 

23
24 Dawn Farina, WSBA No. 18333
25 Attorney for Kyle Benton